Notice of Allowability	Application No.	Applicant(s)	
	10/651,590	SHANKAR ET AL.	
	Examiner	Art Unit	
	Phuoc H. Nguyen	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *the claims filed on August 29, 2003 and was interviewed on January 7, 2008*.

2. ☒ The allowed claim(s) is/are *1, 2, 4, 6, 9-21, 23, 25, and 28-50*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date January 26, 2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date *January 7, 2008* .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Phuoc H Nguyen/
Primary Examiner, Art Unit 2143

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Applicant's Attorney Christopher J. Palermo (Reg. No. 42,056) on January 7, 2008.

AMENDMENTS TO THE SPECIFICATION

Please amend the specification by canceling original paragraphs 89, 90, 93, and 95, and substituting the following with the marked changes:

[0089] The term "computer-readable medium" as used herein refers to any medium that participates in providing instructions to processor 404 for execution. Such a medium may take many forms, including but not limited to, non-volatile media and volatile media. Non-volatile media includes, for example, optical or magnetic disks, such as storage device 410. Volatile media includes dynamic memory, such as main memory 406.

[0090] Common forms of computer-readable media include, for example, a floppy disk, a flexible disk, hard disk, magnetic tape, or any other magnetic medium, a CD-ROM, any other optical medium, punch cards, paper tape, any other physical medium with patterns of holes, a RAM, a PROM, and EPROM, a FLASH-EPROM, any other memory chip or cartridge, or any other storage medium from which a computer can read.

[0093] Network link 420 typically provides data communication through one or more networks to other data devices. For example, network link 420 may provide a connection through local network 422 to a host computer 424 or to data equipment operated by an Internet Service Provider (ISP) 426. ISP 426 in turn provides data communication services through the world wide packet data communication network now commonly referred to as the "Internet" 428. Local network 422 and Internet 428 both use electrical, electromagnetic or optical signals that carry digital data streams.

[0095] The received code may be executed by processor 404 as it is received, and/or stored in storage device 410, or other non-volatile storage for later execution.

AMENDMENTS TO THE CLAIMS

Listing of the Claims:

Claims 3, 5, 7, 8, 22, 24, 26, and 27 have been cancelled.

Claims 1, 4, 6, 9, 20, 23, 25, 28, 39, 40 have been amended and claims 41-50 have been added as follow:

1. (Currently amended) A method for monitoring a messaging system, the method comprising the computer-implemented steps of:

receiving, at an endpoint, a message from a first agent for forwarding to the messaging system, wherein the endpoint is registered with the messaging system and is configured to forward incoming messages to the messaging system;

determining, by a second agent that is associated with the endpoint, whether the endpoint receives a message notification from the messaging system in response to the message;

accessing, by the second agent, a message repository associated with the messaging system;

retrieving the message from the message repository;

comparing the message retrieved from the message repository with a copy of the message that was sent from the first agent; and

based on the comparing, determining whether the message retrieved from the message repository is degraded in quality.

4. (Currently Amended) The method of claim ~~3~~ 1, further comprising the computer-implemented steps of:

upon accessing the message repository, attempting to retrieve the message as e-mail from the message repository using a client application that is associated with the messaging system.

6. (Currently Amended) The method of claim ~~5~~ 1, wherein the message is an audio message and wherein the method further comprises the computer-implemented step of:

upon retrieving the message, playing the message using an interface to the messaging system.

9. (Currently Amended) The method of claim ~~8~~ 1, further comprising the computer-implemented step of:

upon determining that the message retrieved from the message repository is degraded, determining why the message retrieved from the repository is degraded.

20. (Currently amended) A computer-readable medium carrying one or more sequences of instructions for monitoring a messaging system, which instructions, when executed by one or more processors, cause the one or more processors to carry out the steps of:

receiving, at an endpoint, a message from a first agent for forwarding to the messaging system, wherein the endpoint is registered with the messaging system and is configured to forward incoming messages to the messaging system;

determining, by a second agent that is associated with the endpoint, whether the endpoint receives a message notification from the messaging system in response to the message;

accessing, by the second agent, a message repository associated with the messaging system;

retrieving the message from the message repository;

comparing the message retrieved from the message repository with a copy of the message that was sent from the first agent; and

based on the comparing, determining whether the message retrieved from the message repository is degraded in quality.

23. (Currently Amended) The computer-readable medium of claim ~~22~~ 20, wherein the instructions cause the processors to carry out the further step of:

upon accessing the message repository, attempting to retrieve the message as e-mail from the message repository using a client application that is associated with the messaging system.

25. (Currently Amended) The computer-readable medium of claim ~~24~~ 20, wherein the message is an audio message and wherein the instructions cause the processors to carry out the further step of:

upon retrieving the message, playing the message using an interface to the messaging system.

28. (Currently Amended) The computer-readable medium of claim ~~27~~ 20, wherein the instructions cause the processors to carry out the further step of:

upon determining that the message retrieved from the message repository is degraded, determining why the message retrieved from the repository is degraded.

39. (Currently amended) A system for monitoring a messaging system, the system comprising:

means for receiving, at an endpoint, a message from a first agent for forwarding to the messaging system, wherein the endpoint is registered with the messaging system and is configured to forward incoming messages to the messaging system;

means for determining, by a second agent that is associated with the endpoint, whether the endpoint receives a message notification from the messaging system in response to the message;

means for accessing, by the second agent, a message repository associated with the messaging system;

means for retrieving the message from the message repository;

means for comparing the message retrieved from the message repository with a copy of the message that was sent from the first agent; and

means for determining, based on the comparing, whether the message retrieved from the message repository is degraded in quality.

40. (Currently amended) A system that can monitor a messaging system, the system comprising:

a network interface;

a processor coupled to the network interface and receiving messages from a network through the network interface;

a computer-readable medium comprising one or more stored sequences of instructions which, when executed by the processor, cause the processor to carry out the steps of:

receiving, at an endpoint, a message from a first agent for forwarding to the messaging system, wherein the endpoint is registered with the messaging system and is configured to forward incoming messages to the messaging system;

determining, by a second agent that is associated with the endpoint, whether the endpoint receives a message notification from the messaging system in response to the message;

accessing, by the second agent, a message repository associated with the messaging system;

retrieving the message from the message repository;

comparing the message retrieved from the message repository with a copy of the message that was sent from the first agent; and

based on the comparing, determining whether the message retrieved from the message repository is degraded in quality.

41. (New) The system of claim 39, further comprising means for determining, upon determining that the message retrieved from the message repository is degraded, why the message retrieved from the repository is degraded.

42. (New) The system of claim 39, wherein the first agent and the second agent are synthetic phones.

43. (New) The system of claim 39, wherein the message transmitted from the first agent is an e-mail message.

44. (New) The system of claim 39, wherein the message transmitted from the first agent is a facsimile message.

45. (New) The system of claim 39, wherein the means for transmitting includes means for multicasting a signal and multicasting a message to a plurality of telephony endpoints on a network; and wherein the means for determining includes means for determining, by each of a plurality of agents that are each associated with a respective endpoint of the plurality of endpoints, whether the associated endpoint receives a message notification in response to the message.

46. (New) The system of claim 40, further comprising instructions which when executed cause performing determining, upon determining that the message retrieved from the message repository is degraded, why the message retrieved from the repository is degraded.

47. (New) The system of claim 40, wherein the first agent and the second agent are synthetic phones.

48. (New) The system of claim 40, wherein the message transmitted from the first agent is an e-mail message.

49. (New) The system of claim 40, wherein the message transmitted from the first agent is a facsimile message.

50. (New) The system of claim 40, wherein the instructions for transmitting include instructions for multicasting a signal and multicasting a message to a plurality of telephony endpoints on a network; and wherein the instructions for determining include instructions for determining, by each of a plurality of agents that are each associated with a respective endpoint of the plurality of endpoints, whether the associated endpoint receives a message notification in response to the message.

Allowable Subject Matter

1. This office action is in response to the claims filed on August 29, 2003 and was interviewed on January 7, 2008.

2. Applicant amended claims 11, 4, 6, 9, 20, 23, 25, 28, 39, 40, added claims 41-50, and canceled claims 3, 5, 7, 8, 22, 24, 26, and 27.

3. Claims 1, 2, 4, 6, 9-21, 23, 25, and 28-50

4. The following is a statement of reasons for the indication of allowable subject matter:

The present invention is directed to a system and method for monitoring a messaging system. Claims 1, 20, 39, and 40 uniquely identify a distinct feature "the second agent accessing and retrieving a message repository associated with the messaging system, comparing the message retrieved from the message repository with a copy of the message that was sent from the first agent, and based on the comparing, determining whether the message retrieved from the message repository is degraded in quality" and in combination with other limitations as set forth

in the independent claims. Claims 2, 4, 6, 9-19, 21, 23, 25, 28-38, and 41-50 are allowed due to dependent claims.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pepe et al. U.S. Patent 5,742,905

Nixon et al. U.S. Pub. No. 2002/0101453

Sikora et al. U.S. Patent 6,449,646

Szutu U.S. Pub. No. 2001/0047391

Horstmann et al. U.S. Patent 6,779,022

Shaffer et al. U.S. Patent 6,434,222

Snip et al. U.S. Pub. No. 2002/0123328

Bulfer et al. U.S. Patent 6,446,114

Brunson et al. U.S. Pub. No. 2004/0141594

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phuoc H Nguyen/
Primary Examiner, Art Unit 2143

January 7, 2008